



State of Connecticut

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Testimony of
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Raised Bill No. 6276, An Act Concerning Competency to Stand Trial

Judiciary Committee Public Hearing
February 23, 2011

The Office of the Chief Public Defender supports passage of *Raised Bill No. 6276, An Act Concerning Competency to Stand Trial*. This bill adds a requirement that a treatment provider charged with restoring the competency of a defendant in a criminal case submit a progress report to the court in the case of a defendant whose continued inpatient commitment is no longer the least restrictive setting appropriate and available to restore competency.

The Office of Chief Public Defender believes that the addition of this new reporting requirement will facilitate the achievement of several important goals;

- 1) It will help ensure that courts have timely and relevant information needed to place defendants in the most appropriate and effective therapeutic setting to accomplish restoration;
- 2) It will allow for a reduced reliance and utilization of costly inpatient treatment facilities; and,
- 3) It will ensure public safety by allowing the court to consider whether such a change of circumstances warrant a reduction of bond and release of a defendant to a recommended outpatient facility.

Connecticut General Statutes §54-56d, *Competency to Stand Trial*, provides that no defendant may be tried, convicted or sentenced if that defendant is not competent. A defendant will be found not competent to stand trial if, after a hearing conducted pursuant to the statute, a court finds that the defendant is unable to understand the nature of the proceedings against him or to assist in his own defense. Such a hearing will take place when the issue of competency has

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been raised by defense counsel, the state's attorney or the court. Once so raised, a court will order the examination of the defendant by a clinical team as currently provided for by statute.

If a court finds, after receipt of the report and testimony of the examination team, that a defendant is not competent to stand trial the statute requires that the court next determine whether, if provided with a course of treatment, there is a substantial likelihood that a person may be restored to competency and under what conditions and circumstances such restoration attempts may take place. In cases where the court finds there is a substantial likelihood that a defendant can be restored to competency, the court will frequently find that an inpatient mental health facility is the least restrictive setting in which to undertake the restoration process. Once a court places a defendant in such a facility, the case is continued for up to 90 days while restoration is pursued.

Under the current law, progress reports regarding restoration efforts are required to be submitted to the court in five circumstances: (1) within seven days of a scheduled hearing; (2) when the defendant has attained competency; (3) when a defendant will not attain competency within a specified period; (4) when a defendant will not attain competency absent administration of medications; or, (5) when a defendant would be eligible for civil commitment.

The proposed bill adds a sixth circumstance requiring a progress report in cases in which a defendant has not been restored to competency but who has improved sufficiently so as not to warrant continued inpatient commitment as it was no longer the least restrictive placement appropriate and available to restore competency.

For the reasons stated the Office of Chief Public Defender requests that this bill be reported favorably.